

# HOUSE BILL No. 1537

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-3.5-12.

**Synopsis:** Firefighters. Makes technical corrections to a statute concerning the hiring of full-time firefighters.

**Effective:** July 1, 2005.

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**Bright, Ruppel**

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January 18, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1537

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-3.5-12 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) To be appointed  
3 to the department, an applicant: ~~must be~~:

4 (1) **must be** a citizen of the United States;

5 (2) **must**:

6 (A) **be** a high school graduate; or

7 (B) **have obtained the equivalent of a high school education**;

8 and

9 (3) **must be** at least twenty-one (21) years of age, but under  
10 thirty-six (36) years of age.

11 However, the age requirements do not apply to a person who has been  
12 previously employed as a member of the department.

13 (b) A person may not be appointed, reappointed, or reinstated if ~~he~~  
14 **the person** has a felony conviction on ~~his~~ **the person's** record.

15 (c) Applications for appointment or reappointment to the  
16 department must be filed with the commission. The applicant must  
17 produce satisfactory proof of the date and place of ~~his~~ **the applicant's**

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2 (d) Applicants for appointment or reappointment to the department  
3 must pass the general aptitude test required under IC 36-8-3.2-3 or  
4 IC 36-8-3.2-3.5. The general aptitude test shall:

- 5 (1) reflect the essential functions of the job;  
6 (2) be conducted according to procedures adopted by the  
7 commission; and  
8 (3) be administered in a manner that reasonably accommodates  
9 the needs of disabled applicants.

10 The results of the general aptitude test shall be filed with the  
11 commission. If the commission finds that the applicant lacks the proper  
12 qualifications, it shall reject the applicant.

13 (e) The applicants shall then be rated on the selection criteria and  
14 testing methods adopted by the commission, which may include mental  
15 alertness, character, habits, and reputation. The commission shall adopt  
16 rules for grading the applicants, including the establishment of a  
17 passing score. The commission shall place the names of applicants with  
18 passing scores on an eligibility list by the order of their scores and shall  
19 certify the list to the safety board.

20 (f) If an applicant for original appointment reaches ~~his~~ **the**  
21 **applicant's** thirty-sixth birthday, ~~his~~ **the applicant's** name shall be  
22 removed from the eligibility list. Applicants remain on the list for two  
23 (2) years from the date of certification. After two (2) years a person  
24 may reapply as an applicant.

25 (g) When a vacancy occurs in the department, the commission, upon  
26 a written request of the chief of the department, shall administer the  
27 physical agility test under IC 36-8-3.2-3 or IC 36-8-3.2-3.5 to the  
28 applicant having the highest score on the eligibility list. If the  
29 appointed applicant successfully completes the physical agility test, the  
30 applicant shall then be enrolled as a member of the department to fill  
31 the vacancy if:

- 32 (1) the applicant is still of good character; and  
33 (2) the applicant passes the required examinations identified in  
34 IC 36-8-3.2-6 and IC 36-8-8-19.

35 (h) All appointments are probationary for a period not to exceed one  
36 (1) year. If the commission finds, upon the recommendation of the  
37 department during the probationary period, that the conduct or capacity  
38 of the probationary member is not satisfactory, the commission shall  
39 notify ~~him~~ **the probationary member** in writing that ~~he~~ **the**  
40 **probationary member:**

- 41 (1) is being:  
42 (A) reprimanded; ~~that he is being or~~

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1           **(B)** suspended; or ~~that he~~  
2           **(2)** will not receive a permanent appointment.  
3       If a member is notified that ~~he~~ **the member** will not receive a  
4       permanent appointment, ~~his~~ **the member's** employment immediately  
5       ceases. Otherwise, at the expiration of the probationary period, the  
6       member is considered regularly employed.

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